

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8
1595 Wynkoop Street; Denver CO 80202-1129**

**PUBLIC NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND
OPPORTUNITY TO COMMENT ON CWA COMPLAINT**

Action: EPA is providing notice of a proposed administrative penalty assessment and the opportunity to comment on the proposed assessment (complaint and consent agreement) for alleged violations of the Clean Water Act.

Summary: EPA is authorized in Class II proceedings under Section 311(b)(6) of the Clean Water Act ("CWA"), 33 U.S.C. § 1321(b)(6), to issue orders assessing civil penalties for violations of the CWA and implementing regulations, after providing the person subject to the penalty notice and opportunity for a hearing, and after providing the public with notice of the proposed penalty, opportunity to submit written comments and to participate in a Class II penalty proceeding, if any. The deadline for submitting public comment is thirty days after issuance of this notice.

On August 29, 2008, EPA commenced a civil administrative action by issuing a complaint and consent agreement to the Respondent identified below, alleging violations of the CWA and its regulations. Pursuant to Section 311(b) (6) (C) of the CWA, EPA hereby notifies the public of this proposed penalty assessment:

In the matter of: Machii-Ross Petroleum Company (Berger Tank Battery)
 2901 28th Street, Suite 205
 Santa Monica, California

EPA Docket Number: CWA-08-2008-0023

Proposed penalty in the Complaint:	\$ 9,763
Proposed Supplemental Environmental Project (SEP)	\$29,290

Alleged violations: Discharge of a harmful quantity of oil into navigable waters of the United States in violation of Section 311(b) (3) of the CWA. Failure to implement a Spill Prevention Control and Countermeasure Plan in accordance with 40 C.F.R. §§ 112.7 and 112.9 as required by 40 C.F.R. § 112.3, regulations issued under Section 311(j) of the CWA.

Submit written comments to: Tina Artemis
 Regional Hearing Clerk (8RC); EPA Region 8
 1595 Wynkoop Street;
 Denver CO 80202-1129
 Telephone: (303) 312-6765.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the Consolidated Rules, the Complaint, or other documents in this proceeding, or to comment upon the proposed penalty assessment, or any other aspect of the matter, should contact the Regional Hearing Clerk identified above. The administrative record for the proceeding is located in the EPA Region 8 Hearing Clerk Office identified above and the file will be open for public inspection during normal business hours. No action will be taken by EPA to finalize a settlement in this matter until 30 days after this public notice.